

# NONHAZARDOUS LIQUID WASTE GENERATOR REQUIREMENTS

Many different types of entities including government agencies produce nonhazardous liquid waste which the Michigan regulations refer to as liquid industrial waste. Liquid industrial waste is not just generated by industrial activity. Common examples of liquid industrial waste include used oil that is being recycled, used cooking oils, storm sewer, catch basin, and sanitary sewer clean-out residue, grease trap clean-out residue, industrial wastewater, uncontaminated precipitation removed from secondary containment structures, wash waters, [antifreeze](#) that isn't a hazardous waste, and some off-specification commercial chemical products. Household waste is not subject to the following requirements. Liquid industrial waste includes waste that meets all the following conditions:

- **Is not regulated as hazardous waste.** See the [Waste Characterization](#) guidance for information how to determine if it is hazardous. Since liquid hazardous waste generated by a [conditionally exempt small quantity generator \(CESQG\)](#) is not required to be manifested under [Part 111, Hazardous Waste Management, of Act 451 of 1994, as amended \(Act 451\)](#), the CESQG may manage and ship the liquid hazardous waste as [Part 121, Liquid Industrial Waste, of Act 451](#), or they may choose to ship it as a Part 111 hazardous waste. Disposal companies may require the CESQG to ship it as hazardous waste.
- **Exclusion is not listed for the waste** in Section 324.12101(I) in [Part 121 of Act 451](#).
- **Is a liquid.** The paint filter test is the test method used to determine the presence of free liquids in a representative sample of waste. Method 9095 is described in the "Test Methods for Evaluating Solid Wastes, Physical-Chemical Methods" SW-846 available at [www.epa.gov/sw-846/main.htm](http://www.epa.gov/sw-846/main.htm). A predetermined amount of material is placed in a paint filter. If any portion of the material passes through and drops from the filter within the 5-minute test period, it contains free liquids. Any non hazardous waste containing free liquid is a liquid for the purpose of compliance with Part 121.

Liquid industrial waste management is overseen by several entities:

- The Waste and Hazardous Materials Division (WHMD) oversees management at liquid industrial waste generator sites, the permitting and registering of liquid industrial waste transporters, destination facility requirements, and land application. Other regulations also contain [used oil management requirements](#). Depending on the waste characteristics, some sludges and liquid wastes may also be regulated under Part 115, Solid Waste Management, of Act 451.
- The Water Bureau (WB) oversees the discharge and permitting of liquid wastes into surface waters and into groundwater.
- Local publicly owned treatment works if the business is connected to a municipal sewer system. You must obtain permission from the sewer authority before discharging waste to that system.
- Other local agencies, which vary between communities, oversee local ordinances. Authority may be under the county or city zoning or building office, the public health department's environmental health section, or fire department.
- The [Michigan State Police, Traffic Safety Division](#) and US Department of Transportation ([USDOT](#)) oversee transportation requirements if the waste is a USDOT hazardous material.
- Insurance companies may have requirements for storage and shipping.

See the liquid industrial waste inspection checklists used by the WHMD waste inspectors at [www.deq.state.mi.us/documents/deq-whm-hwrp-eqp5191.pdf](http://www.deq.state.mi.us/documents/deq-whm-hwrp-eqp5191.pdf) if the facility wants to do an internal compliance evaluation.

**If the facility generates liquid waste**, the company needs to:

**1. Characterize the waste to determine the appropriate management standards**

- ✓ See the [Waste Characterization](#) guidance for information how to do this. If the waste is determined to be nonhazardous liquids, then meet the following requirements.
- ✓ Keep records of waste evaluations, test results, or other information used to determine the type of waste at least three years after the waste is shipped for treatment, storage, or disposal.

**2. Meet storage requirements**

- ✓ Protect containers from weather, fire, physical damage and vandals. Remember to leave enough room when filling containers so the container doesn't fail because the contents expanded in the heat or froze in the cold.
- ✓ Label containers so workers know what is in it. Make sure the labels stay readable. (If it is used oil, the used oil regulations require the label to state "[Used Oil](#)"). You may use purchased labels, handwrite or stencil the waste information, or buy containers with information already printed on the container.



Example of using racks to protect drums from physical damage from traffic.

- ✓ Manage waste to prevent releases into air, soil, drains, surface water or groundwater
  - Containers must be maintained in good condition.
  - Any leaking containers must be replaced.
  - Containers must be kept closed except when adding or removing waste.
  - Containers must be compatible with the type of waste being stored in them. The Material Safety Data Sheet (MSDS) for the virgin ingredients may provide some recommendations or see websites like [www.flw.com/material/index.html](http://www.flw.com/material/index.html).
  - Incompatible wastes must not be placed in the same container.
- ✓ Liquid industrial waste that has a flashpoint of or above 140 degrees and below 200 degrees Fahrenheit and stored in aboveground containers and tanks would also be regulated as a flammable and combustible liquid by the WHMD Storage Tank Program. You may also be regulated by the MIOSHA General Industry Safety Standards - Part 75, Flammable and Combustible Liquids available at [www.michigan.gov/miosha](http://www.michigan.gov/miosha), and the local municipality's fire prevention code.
- ✓ Liquid industrial waste in an underground storage tank that is a [regulated substance](#) under Part 211 (Underground Storage Tanks) of Act 451 would have additional requirements under the tank regulations.
- ✓ If the waste in aboveground containers contains 1% or more of the polluting materials identified in the Water Bureau's [Part 5, Spillage of Oil and Polluting Materials rules](#), and the facility meets the threshold management quantity (TMQ), then also meet those rule requirements. For the listed chemicals the TMQ is 440 pounds when stored outdoors, or 2200 pounds when stored indoors. See information at [www.michigan.gov/deqwater](http://www.michigan.gov/deqwater) "[Emergency Response for Releases to Water](#)."
- ✓ There are no state time limits requirements on storing liquid industrial waste at your facility, but local ordinances may have limits.

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- ✓ See the [Holding Tank](#) guidance if using one for accumulation and storage.
  - ✓ Obtain a site identification number (if one is not already assigned to this site) when shipping waste off-site with a manifest.

A site identification number is issued for a facility at a specific address and is used on waste manifests. If it isn't known for sure if a business has a site identification number (some people call this an EPA ID number), or what regulated waste activities are on file with WHMD, you may contact your [District Office](#) or search the [Waste Data System](#) (WDS) at [www.deq.state.mi.us/wdspj](http://www.deq.state.mi.us/wdspj). If you don't know the site identification number, use the Advanced Search feature. It is recommended to first search using the street number and zip code in the appropriate address fields. By searching on an address, you avoid getting no matches when a site may be in the system under one name, but commonly known as something else. If you know the site identification number, type that in the WDS Quick Search field to find the site information.

It will be necessary to apply for a site identification number if the company:

- Is new
- Has moved to a new site, or
- Does not match the company owner and operator information in the WDS at that address.

When a site identification number needs to be obtained, there is an application fee. See the information about submitting the site identification form EQP5150 on the Waste Data System webpage at [www.deq.state.mi.us/wdspj](http://www.deq.state.mi.us/wdspj). Contact the Environmental Assistance Center at 800-662-9278 or call the Waste and Hazardous Materials Division at 517-335-5318 for help on applying for a site identification number.

**Meet manifest or alternative shipping record requirements when shipping wastes off-site. Keep records at least 3 years from date of shipment.** Some companies keep records indefinitely or until they sell the property as proof the wastes were removed off-site for disposal or recycling. Most disposal companies and/or waste transporters will provide the manifest and help you complete the form. If not, information how to order the manifests from EPA approved printers, instructions how to complete the manifests including the liquid industrial waste codes that are listed on the manifest, and manifest logs and flowcharts to help you track your manifests are available at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste) under "Uniform Manifest Information."

There are two situations when individual manifests are not required for liquid industrial waste shipments.

- I. If the transporter is using a consolidated manifest, then the transporter must provide a receipt for each individual pickup to the actual generator of the waste. The receipt must include all the following:
  - Transporter's company name
  - Driver's signature
  - Date of pickup
  - Type and quantity of waste removed
  - Consolidated manifest number
  - Designated facility

For more information about consolidated manifests see [Operational Memo 121-3](#) at [www.deq.state.mi.us/documents/deq-wmd-opmemo-121-3.pdf](http://www.deq.state.mi.us/documents/deq-wmd-opmemo-121-3.pdf).

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- II. If a company is hauling their own liquid industrial waste including used oil, and for [Conditionally Exempt Small Quantity Generators](#) transporting their own liquid hazardous waste, in amounts of 55 gallons or less to a designated facility, when the following conditions are met:
- It is not necessary to notify the WHMD of this activity if this is the only waste the company generates because a site identification number is not required to be used. However, if the company has other regulated waste activities requiring the submittal of the EQP5150 form, check the box for those activities, along with being a liquid industrial waste generator, and for transporting own liquid industrial waste. These companies are not required to be a permitted and registered transporter when only hauling their own liquid industrial waste.
  - Have a record with the waste shipment that identifies:
    - ✓ The company name and address, and contact number where the waste was generated
    - ✓ What kind of waste
    - ✓ How much waste is being hauled, and
    - ✓ Where the waste is being transported
  - Obtain a signature from the designated facility acknowledging receipt of the waste and provide a copy of the record to that facility.
  - Keep a copy of shipment records for at least three years after the date of shipment.
  - Manage the waste according to the liquid industrial waste regulations. The designated facility must have notified the WHMD of their activities and if they are accepting used oil, the notification would include they are a used oil aggregation point or collection center.
  - Have required insurance.
    - Confirm your insurance company will cover accidents involving waste transportation. See the [WHMD operational memo 121-2](#) if transporting your waste to a household hazardous waste collection program with their approval.

NOTE: If a company is transporting shipments more than 55 gallons of that company's own generated liquid industrial waste, then the generator must meet the following requirements:

- Notify the WHMD of regulated waste activities. Submit the form EQP5150 as discussed earlier for obtaining site identification numbers. A generator hauling their own liquid industrial waste is not required to be a permitted and registered transporter when only hauling their own liquid industrial waste.
- Manage the waste according to the liquid industrial waste regulations.
- Use waste manifests and take waste to designated facilities that have notified the WHMD of their activities and are meeting Part 121 designated facility requirements. You can search for designated facilities in the [Waste Data System](#) or contact the [district office](#) for information.
- Have insurance coverage as required by the Hazardous Materials Transportation Act and submit MCS-90 form to the DEQ and manifest the waste shipment.
  - If using vehicles under 10,000 pounds gross vehicle weight, have fleet coverage of at least \$300,000.
  - If using vehicles equal to or greater than 10,000 pounds gross vehicle weight, have fleet coverage of at least \$750,000.

Get a copy of the form "MCS-90" (endorsement for motor carrier policies of insurance for public liability under Section 29 or 30 of the Motor Carrier Act of 1980) from your insurance company and submit it to the DEQ WHMD, Attn: Transportation Program Technician, Southeast Michigan District office, 27700 Donald Ct, Warren MI 48092-2793.

3. Hire a [permitted and registered liquid industrial waste transporter](#) to take the waste to an appropriate disposal or recycling facility or meet the above requirements to haul the company's own waste.
4. If the company is operating an on-site reclamation, treatment, or disposal facility, keep records of all liquid industrial waste produced and reclaimed, treated or disposed at the facility.

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5. If liquid industrial waste is treated, stored or disposed of in a surface impoundment, obtain the applicable Part 31 (Water Resources Protection) of Act 451 discharge permit and manage leachate appropriately. Discuss specific requirements with the WHMD and WB [district office](#).
  6. Report releases to the Pollution Emergency Alerting System at (800) 292-4706 that could threaten the public health, safety, and welfare, or environment, or that has reached surface water or groundwater and prepare a written report. If waste is subject to other regulations that require release reporting, also meet those requirements. Information at [www.michigan.gov/deqrelease](http://www.michigan.gov/deqrelease).
  7. Cleanup all spills. If you have questions about cleanup requirements, contact the [district office](#). Cleanups may be overseen by the Remediation and Redevelopment Division or WHMD depending on the circumstances.
  8. Depending on the type of liquid waste, emergency planning may be required if threshold management quantities are reached under other regulations. Common examples include:
    - a. Oil storage under the [federal Spill Prevention Control and Countermeasure](#) (SPCC) regulations. A SPCC plan is required when oil storage capacity on-site meets 1320 gallons. Oils include used and virgin oils, gasoline, diesel fuel, etc. SPCC regulations also require secondary containment, inspections and release reporting.
    - b. Ethylene glycol antifreeze is regulated under the state's [Part 5 rules](#) "Spillage of Oil and Polluting Materials" when a facility has 440 pounds of regulated materials stored outdoors or 2200 pounds stored at discrete indoor areas. To determine if you have other polluting materials, see the list of regulated chemicals in these rules. They apply when the liquid waste concentration is 1% or more and more of the listed chemical. More information is available at [www.michigan.gov/deqwater](http://www.michigan.gov/deqwater) "Emergency Response for Releases to Water."

Talk to your [environmental consultant](#), or call the [DEQ District Office](#) or the Environmental Assistance Center at 800-662-9278 with questions about the regulations.

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This document was developed in February 2008 by the Environmental Science and Services and Waste and Hazardous Materials Divisions. Reliance on information from this document is not usable as a defense in any enforcement action or litigation. Refer to the regulations or discuss your requirements with the regulating agency staff.

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